



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 145.311
Date: September 25, 2023
Page: 1 of 3
Supersedes: August 1, 2022

BOARD DIRECTIVE

SUBJECT: SPECIAL REVIEW – RELEASE DENIED

PURPOSE: To establish procedures for the Texas Board of Pardons and Paroles to reconsider a parole or mandatory supervision denial vote.

AUTHORITY: Texas Government Code Sections 508.035(d) and 508.0441(d)
Texas Administrative Code Title 37, Part 5, Chapter 145, Section 145.17
Board Policies BPP-POL.145.200, BPP-POL.145.201 and BPP-POL. 145.206

DISCUSSION: The Presiding Officer shall designate the Special Review panel to review the cases identified in this directive. This directive will provide a procedure for reconsidering a parole or mandatory supervision denial vote when there is an administrative file processing error, or new or erroneous information is received.

DEFINITIONS: Administrative File Processing Error – an action during the processing of an offender’s file, which results in the omission of or the recording of inaccurate information with respect to voting, denial reasons, or Next Review (NR) dates.

Erroneous Information – information provided to the parole panel during the review process which may have been utilized as a basis for denial but is later determined to be inaccurate.

Full Board – the entire membership of the Texas Board of Pardons and Paroles, which is authorized to vote cases pursuant to Section 508.046 of the Government Code.

Information Not Previously Available – responses from trial officials and victims, a change in an offender’s sentence(s) and judgment(s), or an allegation that the full Board or parole panel committed an error of law or Board rule.

Original Panel – the parole panel initially designated by the Presiding Officer to vote the case pursuant to Section 508.045 of the Government Code.

Parole Panel – a three-member panel comprised of one Board Member and two Parole Commissioners as designated by the Presiding Officer pursuant to Section 508.045 of the Government Code.

Special Review – a panel’s review of an offender’s case during a month other than the month previously set for review.

Special Review Panel – a panel other than the current voting panel that will decide and exercise final action on requests for Special Review.

PROCEDURE:

- I. Special Review Consideration – the Board Administrator (BA) or designee may refer cases to the Special Review panel under the following circumstances:
 - A. A written request on behalf of an offender is received, which cites information not previously available to the full board or parole panel;
 - B. New information is received from the General Counsel, a director, or the Texas Department of Criminal Justice related to the offender’s sentence(s) or judgment(s), which was not previously available to the full board or parole panel;
 - C. A Board Member or parole panel member who voted with the majority desires to have the decision reconsidered prior to the NR date; or
 - D. If Board Members or Parole Commissioners who voted with the majority are no longer active, the Presiding Officer may place the case in the special review process to be reconsidered prior to the NR date.
- II. Special Review Panel – the Special Review panel shall review and exercise final action on all requests received from the BA or designee. The Special Review panel may take one of the following actions:
 - A. Defer vote to request and receive further information;
 - B. Vote remain set; or
 - C. Revote the case in accordance with applicable provisions of the Board rules regarding the parole or mandatory supervision process. The Special Review panel shall not set an offender’s NR date later than the previous NR date.
- III. Original Panel – the BA or designee shall refer to the original panel only those special review requests for which there was an administrative file processing error or erroneous information. The original panel shall reconsider its previous vote and shall vote on the Special Review request in the same order it originally voted.
- IV. The parole panel shall return all cases to the Board’s Central Office for processing.

SIGNED THIS, THE 25TH DAY OF SEPTEMBER, 2023.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*